

MINUTES

UTAH BOARD OF NURSING

August 24, 2007

**Room 474 – 4th Floor –8:45 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:50 a.m.

ADJOURNED: 4:41 p.m.

Bureau Manager:

Laura Poe

Secretary:

Shirlene Kimball
Connie Call

Conducting:

Pam Rice, Chair

Board Members Present:

Peggy Brown
Diane Forster-Burke
Marie Partridge
Susan Kirby
Debra Schilleman
Laurie Simonsen
Pam Rice
Barbara Jeffries
Joel Allred

Board Members Excused:

Mary Williams
John Killpack

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

June 22, 2007 Minutes:

The minutes were approved as written. All Board members in favor.

NEW BUSINESS:

9:00 a.m. Rules Hearing:

The Rules Hearing was held.

Adjourned from Rules Hearing at 10:15 a.m.

Swearing in of New Board members:

Ms. Poe swore in new Board members Debra Schilleman, Peggy Brown and Laurie Simonsen. Ms. Schilleman, Ms. Brown and Ms. Simonsen were welcomed by Board members.

Divided into two groups at 10:27 a.m. to
conduct Probation Peer Interviews:

Group 1:
Conducting: Joel Allred
Secretary: Shirlene Kimball

Members present: Ms. Forster-Burke, Ms.
Schilleman, Ms. Partridge and Mr. Allred.

Kiley McClain,
Annual Interview:

Ms. McClain reported things are going well. She indicated she just had her seventh surgery since she began probation. She indicated she has been able to cope with the pain without taking a lot of medication. She stated she has had no thoughts of relapse and has not relapsed. Ms. McClain stated she has been clean 4 years and 3 months. Ms. McClain is in compliance with the terms and conditions of her Order.

Christine Amos,
Annual Interview:

Committee members indicated that the July 5, 2007 urine screen was out of range. Committee members informed Ms. Amos if the urine screens continue to be out of range, she will be considered out of compliance. Ms. Amos stated she doesn't know why the test would have been out of range. A review of the controlled substance data base indicates Ms. Amos is receiving medication from two different providers and Committee members reminded her she needs to have only one prescribing practitioner. Ms. Amos also indicated she is taking a medication that was prescribed over six months ago and the prescription has expired. She questioned whether or not she would be considered out of compliance with her Order if the urine screen is positive for this medication. Committee members indicated she is out of compliance if she does not have a current valid prescription. Committee members indicated if the prescription has expired, she should not be taking the medication. She stated she is not taking any medications that have not been lawfully prescribed for her. She stated she does not use street drugs and has had no thoughts of relapse and has not had a relapse. She stated she does not feel the 12-Step meetings are of value, but continues to participate because of the Order. She did indicate she likes the PIR meetings. She stated she has been clean from Cocaine since March 2002 and has abstained from the use of alcohol since her last relapse in July 2004. Ms. Amos appears to be in compliance with the terms and conditions of

her Order.

Keith Moslak,
Annual Interview:

Mr. Moslak canceled his appointment and will be rescheduled next month.

Nance Allen,
Annual Interview:

Ms. Allen reported everything is going well. She indicated she is making sure she keeps current with the rules and regulations of her profession. She has completed the educational requirements of her Order and stated the California course gave her a different perspective on medication management. Ms. Allen appears to be in compliance with the terms and conditions of her Order. Ms. Allen requested early termination of probation. Committee members will recommend to the Total Board to terminate her probation.

Michelle Jensen,
Annual Interview:

Ms. Jensen canceled her appointment and will be rescheduled next month.

Kate Alleman,
Annual Interview:

Ms. Alleman is not currently employed in nursing and stated she understands her probation will not begin until she is employed in nursing. Ms. Alleman indicated she has not started the nursing education course required in the Order because she has had some health problems. She stated she plans on getting healthy before going back to work.

Stacy Roberts,
Annual Interview:

Ms. Roberts reported she is doing well. She stated she has had no thoughts of relapse and has not relapsed. Committee members reviewed the employer reports and expressed concern that it appears her work performance is declining. Ms. Roberts stated she believes the employer reports are reflective of the supervisors' mood at the time the reports are filled out and not reflective of her work performance. She stated she has been clean 1 ½ years. She stated she would like to request her access to controlled substances be returned. She stated her drug of choice was alcohol. She appears to be in compliance with the terms and conditions of her Order.

Dorothea Peak,
Annual Interview:

Ms. Peak stated she is doing well. She reported she has been clean 3 years. Ms. Peak stated she is not taking any medications that have not been lawfully prescribed for her. She appears to be in compliance

with the terms and conditions of her Order.

Group 2
Conducting: Barbara Jeffries
Secretary: Connie Call

Members present: Ms. Jeffries, Ms. Brown, Ms. Rice,
Ms. Simonsen, Ms. Kirby and Ms. Poe.

Lori Niven,
New Order:

Ms. Jeffries conducted the interview. Ms. Niven explained the circumstances that brought her back before the Board. She is currently working at South Davis Community Hospital. She indicated she has submitted the CVI paperwork and has completed the psychological and substance abuse evaluations. She stated she has been sober since May 11, 2007. She will be scheduled to meet with the Board in October.

Karen Christiansen,
Annual Interview:

Ms. Rice conducted the interview. Ms. Christiansen stated she has not worked as a nurse since March 29, 2007. Committee members indicated three months will need to be added to the end of her probation. Ms. Christiansen stated she understands. She stated she has been sober since February 5, 2005. Her therapist indicated therapy is no longer necessary. Ms. Christiansen is also requesting access to controlled substances. Committee members will recommend to the Total Board to return access and to terminate therapy.

Leslie Christensen,
Annual Interview:

Ms. Jeffries conducted the interview. Ms. Christensen stated she has not returned to work since she had shoulder surgery. She stated she is cleared to return to work August 27, 2007. Ms. Christensen questioned whether or not she can be an AA sponsor. Committee members indicated it could be very beneficial for her to be a sponsor.

Hai Soon Jung Kim,
Annual Interview:

Ms. Rice conducted the interview. Ms. Kim stated she is still working at Highland Ridge. She is current on all reports and appears to be in compliance with the terms and conditions of her probation. Committee members will recommend to the Total Board to terminate the probation.

Kelli Northern,
Annual Interview:

Ms. Jeffries conducted the interview. Ms. Northern explained why she is no longer working and stated she is looking for a new job. She stated she has been clean since February 2002. She stated she would like to

move to Torrey Utah and would be willing to drive farther for urine testing. She also requested she be allowed to attend 12-Step meetings in lieu of PIR meetings.

Jean Olsen,
New Order:

Ms. Olsen did not appear for her scheduled interview. She will be rescheduled for next month.

Anjanette Alleman,
New Order:

Ms. Kirby conducted the interview. Ms. Alleman explained the circumstances that brought her before the Board. Ms. Alleman stated she understands the terms and conditions of her Order. She is requesting that she be allowed to work more than 40 hours per week. Her request will be presented to the Total Board.

Betty Long,
New Order:

Ms. Long canceled her appointment and will be rescheduled next month.

Luisa Lyman,
New Order:

Ms. Rice conducted the interview. Ms. Lyman explained the circumstances requiring a new Order. She stated she has been clean since September 17, 2006. She indicated she is no longer working two jobs and that has helped with her stress level.

Richard Boyce,
Annual Interview:

Ms. Kirby conducted the interview. Mr. Boyce stated he is doing very well. He is in compliance with the terms and conditions of his Order and has requested early termination of probation. Committee members will recommend early termination of his probation to the Total Board.

Reconvened to Total Board at 1:22 p.m.

TOTAL BOARD BUSINESS:

Barbara Jolley-Mumm,
New Order:

Ms. Jolley-Mumm explained the circumstances that brought her before the Board. She stated she understands the terms and conditions of her Order. She completed the required courses and submitted the certificate of completion. She stated she still needs to pay her fine. She is not currently working as a nurse, but is working as a correctional officer because there is no nurse supervisor at the correctional facility in Beaver.

Election of Probation Committee Chair and

Ms. Partridge was elected as chair of Probation

Co-Chair:

Committee Group 1 and Ms. Jeffries was elected as chair of Probation Committee Group 2.

Environmental Scan:

Ms. Poe indicated the NCSBN Practice Analysis Study Committee is asking for nominations. Anyone interested should fill out and submit the form to the NCSBN.

Ms. Poe reported that Kentucky became part of the compact in June and Colorado will join the compact in October.

Ms. Schilleman made a motion to use Education Fund money to send Ms. Rice and Ms. Forster-Burke to the NCSBN "Faculty shortage: Implications for Regulation" meeting March 2008. Ms. Kirby seconded the Motion. All Board members in favor.

The NCSBN Midyear meeting will be held March 4-5, 2008 in Chicago. Mr. Allred will attend this meeting. The NCSBN Annual meeting will be held August 5-8, 2008 in Nashville.

Amy Stone, New applicant:

Ms. Stone had yes answers on the qualifying questionnaire (two DUI convictions and retail theft in June 2007). Ms. Stone explained the circumstances regarding the DUI chargers and the retail theft. She stated she has paid her fine, completed the PRIME for Life course for alcohol related offenses and she indicated her court probation will terminate September 19, 2007. Ms. Stone completed a psychiatric and substance abuse evaluation. The substance abuse evaluation indicated a low probability of risk for substance abuse. However, the psychiatric evaluation indicated Ms. Stone struggles with the urge to shop lift. The evaluator indicates Ms. Stone would need additional therapy and would benefit by attending stress management classes. Ms. Stone indicated she is willing to continue in therapy. Ms. Forster-Burke made a Motion to allow Ms. Stone to take the NCLEX examination and upon passing, place her license on probation for 5 years with the following terms and conditions in addition to the standard requirements: continue with therapy, practice under supervision, no access to client funds, complete the NCSBN online ethics and professional accountability course. Mr.

Lillian Howell, request that her license be taken off indefinite suspension and placed on probation:

Allred seconded the Motion. All Board members in favor.

Ms. Howell met with the Board to request that the indefinite suspension be lifted. She indicated she has completed all the requirements the Board requested. Dr. Snyder conducted an evaluation and made the recommendation Ms. Howell receive treatment at a neurological rehab clinic. Ms. Howell stated she met with Dr. Snyder last week who now indicates she does not need treatment at the neurological rehab clinic as long as she works in a familiar area and has a system in place to deal with his concerns. Mr. Allred questioned if she feels she has the knowledge and capability to practice safely and take care of patients. Ms. Howell stated yes she believes she would be a safe practitioner. Ms. Howell was requested to provide the Board with an updated report from Dr. Snyder. Mr. Allred made a Motion to table the decision until documentation is received indicating improvement or if there is a major impairment. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Report from Probation Peer Committee:

Nance Allen: Committee members recommend early termination of probation. Ms. Kirby abstained, all other Board members in favor.

Karen Christiansen: Committee members recommend termination of the aftercare requirement. All Board members in favor. Committee members also recommend return of access to controlled substances. All Board members in favor.

Hai Kim: Committee members recommend early termination of probation. All Board members in favor.

Kelli Northern: Committee members recommend her Order be amended to allow her to attend 12-Step meetings in lieu of PIR meetings. She must attend at least four meetings per month. All Board members in favor.

Jean Olsen: Ms. Olsen did not appear for her interview. Board members recommend she be referred

for an Order to Show Cause Hearing. All Board members in favor.

Anjanette Alleman: Committee members recommend she be allowed to work more than 48 hours per week. All Board members in favor.

Richard Boyce: Committee members recommend early termination of probation. All Board members in favor.

Connie Call – Discipline Reports:

The report is attached to the minutes.

Probation modification requests:

Theresa Brewer: A Motion was made to terminate the aftercare/therapy requirement. The Motion was seconded. All Board members in favor.

Laura Odom: Ms. Forster-Burke made a Motion to terminate her probation. The Motion was seconded. All Board members in favor.

Dyan Farnworth: Ms. Farnworth requested termination of probation. A Motion was made to deny the request. The Motion was seconded. All Board members in favor. Ms. Farnworth also requested that the drug screens be discontinued. Mr. Allred made a Motion to deny her request on the basis that urine screens are the measure of compliance for those individuals on probation for substance abuse. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Nancy Stone: Ms. Forster-Burke made a Motion to allow 12-Step meetings in lieu of PIR meetings. She must attend four meetings per week. The Motion was seconded. All Board members in favor.

Kim Johnson: Ms. Forster-Burke made a Motion to return Ms. Johnson's access to controlled substances. The Motion was seconded. All Board members in favor.

Vai Mackay-Panter: A Motion was made to return her access to controlled substances. The Motion was seconded. All Board members in favor.

Review requests remanded back to the Board for reconsideration:

Tricia Bateman: Ms Bateman requested her access to controlled substances be returned. Ms. Bateman has not signed up for random drug screens through CVI. A Motion was made to deny the request based on the fact she has not signed up for random drug screens. The Motion was seconded. All Board members in favor of denying the request.

Troy Thorum: Mr. Thorum requested his access to controlled substances be returned. He is in compliance with the Order and Mr. Allred made a Motion to return access to controlled substances. Ms. Partridge seconded the Motion. All Board members in favor.

Education Committee report:

Ms. Rice reported the Committee met with representatives from the Western Governors University. The university is in the process of developing a general BSN program.

Ms. Forster-Burke reported on the site visit conducted for Stevens Henager College. She reported the program did not meet the requirements to begin the 1st cohort next month. After much discussion, there was a compromise to allow for the 2nd year, LPN to RN course to start. A follow up site visit will be conducted.

Citation authority discussion:

Ms. Poe questioned Board members whether or not the Division should seek Legislative authority to issue citations for unlawful conduct and or unprofessional conduct. Ms. Poe indicated the Board/Division has fining authority for unprofessional conduct at a formal hearing or upon entering into a Stipulation and Order. Ms. Poe indicated that the citation authority would allow for a citation for unlawful conduct. Ms. Forster-Burke made a Motion to have the Division seek Legislative authority to give the Board of Nursing citation authority. The Motion was seconded. All Board members in favor.

Review LPN application for Sylvia Pena:

Ms. Pena graduated from an RN program and would like to sit for NCLEX-PN examination by equivalency. The current Rules only allow a student who is currently enrolled in an RN program to sit for the LPN by equivalency. Ms. Poe questioned whether or not the Board needs to rewrite the Rules to allow

for a student who has graduated from an RN program to be allowed to sit for the PN examination. Ms. Rice made a motion to allow Ms. Pena to sit for the NCLEX-PN examination by equivalency. The Motion was seconded. All Board members in favor. The Rule will need to be changed to address this issue.

Medication Aide discussion:

Ms. Schilleman made a Motion to adopt NCSBN model curriculum for Medication aides. Ms. Simonsen seconded the Motion. All Board members in favor.

Proposed Global Definition of Levels of Supervision:

Ms. Forster-Burke made a Motion to accept the proposed Global Definition of Levels of Supervision as outlined. The Motion was seconded. All Board members in favor.

Discussion regarding Rules Hearing:

Ms. Forster-Burke stated school nurses believe the administration of insulin should be done by the nurse. It is felt that insulin is not be delegated.

Ms. Poe indicated the Division will place the rules regarding the insulin issue on hold and review the Colorado information and other public comments.

Report from NSCBN Annual meeting and the Delegate Assembly:

Ms. Forster-Burke reported there were discussions from educators regarding the number of new nursing programs that are appearing in all states. She stated that Michigan has rules we may want to review. NCSBN reported there are approximately 13,000 nursing programs only 121 are accredited by the NLNAC.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 28, 2007
Date Approved

(ss) Pam Rice
Pam Rice, Chair Board of Nursing

September 28, 2007
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational & Professional Licensing